

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES MABEN,

Plaintiff,

v.

ANN TERHUNE, ET AL.,

Defendants.

Case No. 14-12899

SENIOR UNITED STATES DISTRICT
JUDGE ARTHUR J. TARNOW

MAGISTRATE JUDGE MONA K.
MAJZOUN

ORDER ADOPTING REPORT AND RECOMMENDATION [33]; DISMISSING PLAINTIFF'S CLAIMS AGAINST DEFENDANT TERHUNE; GRANTING DEFENDANT COUNTY OF ST. CLAIR AND DEFENDANT TOMLINSON'S MOTION FOR SUMMARY JUDGMENT [28]; GRANTING DEFENDANT VANDREW'S MOTION TO DISMISS [16]; DENYING PLAINTIFF'S MOTION TO STRIKE MOTION TO DISMISS [22]; DENYING AS MOOT PLAINTIFF'S MOTION FOR DISCOVERY [4]; DENYING AS MOOT PLAINTIFF'S MOTION OBJECTING TO CLERK'S DENIAL OF DEFAULT [14]; AND CLOSING CASE

On January 30, 2015, the Magistrate Judge issued a Report and Recommendation [33] concerning all pending matters. The Magistrate Judge recommended dismissal of all of Plaintiff's claims. No party filed any objection to the Report and Recommendation.

The Court **ADOPTS** the Report and Recommendation [33] and enters its conclusions and findings as those of the Court, with the following addition. On October 6, 2014, Plaintiff filed a “Motion Objecting to Order of Reference to Magistrate Judge” [17]. The Court is unaware of any authority authorizing such a motion. In any case, Plaintiff’s objection has no merit. Plaintiff argues that the Court should not have referred pretrial matters to the Magistrate Judge during the pendency of his Motion Objecting to Clerk’s Denial of Default [14], since the Magistrate Judge is not authorized to decide the motion under 28 U.S.C. § 636(b)(1)(A). However, Plaintiff ignores § 636(b)(1)(B), which authorizes the Magistrate Judge to submit a report and recommendation on dispositive matters. The Magistrate Judge properly submitted a report and recommendation, which the Court now adopts. Accordingly,

IT IS ORDERED that Plaintiff’s claims against Defendant Terhune are dismissed, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for failure to state a claim upon which relief may be granted.

IT IS FURTHER ORDERED that Defendant County of St. Clair and Defendant Tomlinson’s Motion for Summary Judgment [28] is **GRANTED**.

IT IS FURTHER ORDERED that Defendant VanDrew's Motion to Dismiss [16] is **GRANTED**. Plaintiff's Motion to Strike the Motion to Dismiss [22] is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff's Motion for Discovery [4] and Plaintiff's Motion Objecting to Clerk's Denial of Default [14] are **DENIED AS MOOT**.

IT IS FURTHER ORDERED that this case is **CLOSED**.

SO ORDERED.

Dated: March 19, 2015

s/Arthur J. Tarnow
Arthur J. Tarnow
Senior United States District Judge